

UNITED STATES DISTRICT COURT

Southern District of California

Office Of The Clerk  
880 Front Street, Room 4290  
San Diego, California 92101-8900  
Phone: (619) 557-5600  
Fax: (619) 702-9900

FILED

JAN 21 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

W. Samuel Hamrick, Jr.,  
Clerk of Court

January 13, 2009

Clerk, U.S. District Court  
California Northern District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102-3434

CR08-845 CRB

Re: USA v. Michael Ware , Case No. 3:09-mj-00037-LSP

Dear Clerk of the Court:

Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the defendant(s) Michael Ware : Certified copy of transfer order, Certified Docket Sheet, Out of District Complaint (copy), Minute Order Appointing Counsel (copy), Waiver of Removal (copy) .

Please acknowledge receipt on the copy of this letter and return. Thank you.

Sincerely yours,

W. Samuel Hamrick, Jr.,  
Clerk of the Court

By: s/ J. Hathaway, Deputy Clerk

Copy to Attorney for Plaintiffs:  
Copy to Attorney for Defendants:

RECEIVED ITEMS DESCRIBED

THIS DATE OF \_\_\_\_\_  
AND ASSIGNED CASE NUMBER \_\_\_\_\_

CLERK, U.S. DISTRICT COURT

By: \_\_\_\_\_, Deputy

48

UNSEALED 1/8/09  
**SEALED**

FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

09 JAN -8 AM 10:35

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CR 09 0059

ARREST ON OUT-OF-DISTRICT OFFENSE

CASE NUMBER: '09 MJ 0037

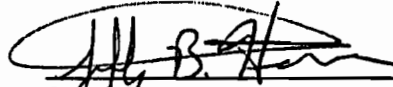
MMC

The person charged as MICHAEL WARE now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Northern District of California on November 20, 2008: Mail Fraud; Wire Fraud; Engaging in Monetary Transactions In Criminally Derived Property; and Aiding & Abetting, in violation of: 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. § 1957; and 18 U.S.C. § 2.

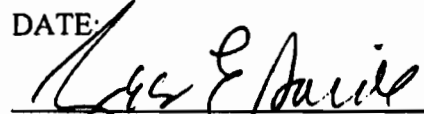
The charging documents and warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 1/8/2009

  
Special Agent  
Federal Bureau of Investigation

Reviewed and Approved

DATE: 1/8/09  
  
YESMIN E. SAIDE  
Assistant United States Attorney

I hereby attest and certify on 1/8/09  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy

IRM

AQ 442 (Rev. 5/93) Warrant for Arrest

**United States District Court**  
Northern District of California

UNITED STATES OF AMERICA,

v.

**WARRANT FOR ARREST**Michael WareCase Number: CR08-845 RMW HRL

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Michael Ware

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ (X) Indictment ☐ Information ☐ Complaint  
☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with 18:1341 and Mail fraud, 18:2 Aiding and abetting, 18:1343 Wire fraud, 18:1957 Engaging in monetary transactions

In violation of Title Above United States Code, Section(s) \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk  
Title of Issuing Officer

*fmur*  
Signature of Issuing Officer

11/20/08 San Francisco CA  
Date and Location

RECEIVED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT  
OF CALIFORNIA  
JAN 21 AM 8:07

Bail fixed at \$ no bail by Bernard Zimmerman, U.S. District Judge  
Name of Judicial Officer

**RETURN**

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

Date received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest		

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

FILED

03 NOV 20 PM 3:50

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**RMW HRL**

UNITED STATES OF AMERICA,

No.:

Plaintiff,

**CR 08**

**0845**

v.

VIOLATIONS: 18 U.S.C. § 1341 - Mail Fraud; 18  
U.S.C. § 1343 - Wire Fraud; 18 U.S.C. § 1957  
- Engaging in Monetary Transactions in  
Criminally Derived Property; 18 U.S.C. § 2 -  
Aiding and Abetting

**[REDACTED] MICHAEL  
WARE,**

Defendants.

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to this Indictment:

1. Chicago Development and Planning ("Chicago D&P") was a company with offices in Emeryville, California, and Reno, Nevada.
2. **[REDACTED]** was the founder of and controlled Chicago D&P.
3. Michael WARE was a close friend of **[REDACTED]** son. WARE was the head of a Chicago D&P affiliate known as Oroshima.

INDICTMENT

1 4. Chicago D&P represented to potential investors that its business involved  
2 purchasing real property, improving it, and then selling or renting it at a profit.

3 5. Chicago D&P engaged in two related schemes to defraud: (1) A scheme to  
4 defraud investors, and (2) a scheme to defraud a mortgage broker and lenders.

5 THE SCHEME TO DEFRAUD INVESTORS

6 6. Beginning at a time unknown to the grand jury, but no later than in or about  
7 January 2000 and continuing through about May 2004, in the Northern District of California and  
8 elsewhere, the defendant,

9 [REDACTED]  
10 did knowingly and intentionally devise a scheme and artifice to defraud as to a material matter,  
11 and to obtain money and property by means of materially false and fraudulent pretenses,  
12 representations, promises, and omissions, knowing that the pretenses, representations, promises,  
13 and omissions were false and fraudulent when made.

14 MANNER AND MEANS OF THE SCHEME TO DEFRAUD INVESTORS

15 7. As part of the scheme to defraud investors, and in order to induce investors to give  
16 money to Chicago D&P, [REDACTED] engaged in certain conduct and made certain material false  
17 representations, promises, and omissions, including, but not limited to, the following:

18 a. [REDACTED] represented to potential investors that Chicago D&P's business  
19 involved "pooling" money from investors to purchase real property, improve the real property,  
20 and then sell or rent the real property at a profit.

21 b. [REDACTED] represented to potential investors that Chicago D&P would share  
22 with them the profits from its real estate sales or rentals, and that investors would thereby earn  
23 high rates of return on their investment.

24 c. [REDACTED] failed to disclose to investors that most of the properties purchased  
25 by Chicago D&P were heavily mortgaged, and that many of the properties were occupied, rent-  
26 free, by employees of Chicago D&P or its affiliates.

27 d. [REDACTED] failed to disclose to investors that their promised "profit" payments  
28 were largely funded by other investors' money, not by actual real estate purchases, sales, or

1 rentals.

2 8. It was further part of the scheme to defraud investors that [REDACTED] did not use  
3 all of the investors' money in connection with real estate transactions, as she represented she  
4 would. Instead, she used investors' money for other purposes, such as to cover her personal  
5 expenses and to pay earlier investors their promised "profit" payments.

6 9. It was further part of the scheme to defraud investors that in some instances,  
7 investors wired funds directly to one of Chicago D&P's accounts, purportedly to facilitate real  
8 estate transactions.

9 10. It was further part of the scheme to defraud investors that Chicago D&P sent  
10 "profit" payments to investors via U.S. Mail or interstate commercial carriers, such as Federal  
11 Express or California Overnight.

12 11. It was further part of the scheme to defraud investors that Chicago D&P sent  
13 periodic statements to investors regarding the status of their investments via U.S. Mail.

14 COUNTS ONE THROUGH SIX: (18 U.S.C. § 1341 - Mail Fraud)

15 12. Paragraphs 1 through 11 are realleged as if fully set forth herein.

16 13. On or about the dates set forth below, in the Northern District of California and  
17 elsewhere, for the purpose of executing the material scheme to defraud investors and to obtain  
18 money by materially false and fraudulent pretenses, representations, promises, and omissions, the  
19 defendant,

20 [REDACTED]  
21 did knowingly cause to be deposited the following items to be sent and delivered by the United  
22 States Postal Service, and private and commercial interstate carriers:

23 ///

24 ///

25 ///

26 ///

27 ///

28

Count	Date	Description of Wire	From	To
ONE	4/1/04	"profit" payment check for \$3,600; check no. 5828	Chicago D&P	Investor A
TWO	4/16/04	"profit" payment check for \$3,555; check no. 6198	Chicago D&P	Investor A
THREE	2/13/04	"profit" payment check for \$6,300; check no. 5221	Chicago D&P	Investor B
FOUR	11/20/03	"profit" payment check for \$2,650; check no. 3024	Chicago D&P	Investor C
FIVE	4/1/04	Investor Lender Statement on Account no. 100-418	Chicago D&P	Investor D
SIX	4/5/04	Investor Lender Statement on Account no. 100-218	Chicago D&P	Investor D

All in violation of Title 18, United States Code, Section 1341.

**COUNT SEVEN: (18 U.S.C. § 1343 - Wire Fraud)**

14. Paragraphs 1 through 11 are realleged as if fully set forth herein.

15. On or about the dates set forth below, in the Northern District of California and elsewhere, for the purpose of executing the material scheme to defraud investors and to obtain money by materially false and fraudulent pretenses, representations, promises, and omissions, the defendant,

did knowingly transmit and cause to be transmitted the following wire communication in interstate and foreign commerce:

Count	Date	Description of Wire	From	To
SEVEN	3/26/04	wire transfer of \$80,000 from Investor E to Chicago D&P	Washington Mutual Bank; Stockton, CA	Bank of America; San Leandro, CA (via East Rutherford, NJ)

All in violation of Title 18, United States Code, Section 1343.

///

INDICTMENT

1 THE SCHEME TO DEFRAUD A MORTGAGE BROKER AND LENDERS

2 16. Beginning at a time unknown to the grand jury, but no later than in or about  
3 November 2000 and continuing through about April 2004, in the Northern District of California  
4 and elsewhere, the defendants,

5 [REDACTED] and  
6 MICHAEL WARE,

7 did knowingly and intentionally devise a scheme and artifice to defraud a mortgage broker and  
8 lenders as to a material matter, and to obtain money and property by means of materially false  
9 and fraudulent pretenses, representations, promises, and omissions, knowing that the pretenses,  
10 representations, promises, and omissions were false and fraudulent when made.

11 MANNER AND MEANS OF THE SCHEME TO DEFRAUD  
12 A MORTGAGE BROKER AND LENDERS

13 17. Beginning no later than November 2000, [REDACTED] solicited investors to permit  
14 Chicago D&P to purchase real estate in the investors' names, using the investors' credit.  
15 [REDACTED] represented to investors that Chicago D&P would purchase real estate in the  
16 investors' names, but Chicago D&P would make all necessary payments to service the mortgage.  
17 [REDACTED] further represented to investors that, in exchange for letting Chicago D&P use their  
18 names and credit, the investors would receive the following: (1) an up-front fee; (2) a monthly  
19 fee; (3) the tax benefits of owning the property without having to pay the mortgage; and (4) a  
20 share in the profits when the property was sold. [REDACTED] further represented to the investors  
21 that Chicago D&P would manage the property.

22 18. Once investors agreed to allow Chicago D&P to purchase real estate in their  
23 names, [REDACTED] sought financing for the purchase of the properties through a mortgage broker.  
24 As part of the scheme, [REDACTED] required the mortgage broker to enter into an agreement  
25 whereby the mortgage broker would receive a 1% commission on any real estate purchase and  
26 then subsequently split that 1% commission 50/50 with Chicago D&P.

27 19. As a further part of the scheme, [REDACTED] and WARE structured some of the real  
28 estate transactions in a manner so that Chicago D&P or one of its affiliates received cash at the



1 close of escrow.

2 20. As a further part of the scheme to defraud the mortgage broker and lenders, and in  
3 order to obtain money from the mortgage broker and lenders, [REDACTED] and WARE engaged in  
4 certain conduct and made certain material false representations, promises, and omissions,  
5 including, but not limited to, creating false documents about the investors and submitting those  
6 false documents to the mortgage broker with the intent of misleading the mortgage broker and  
7 the mortgage lenders from whom the broker was seeking financing. [REDACTED] and WARE  
8 knew that the mortgage broker would then submit the false documents to prospective lenders.  
9 For instance, [REDACTED] and WARE created false W-2 forms to make it appear as if investors  
10 were employed by an entity called California D&P and earning significant salaries when, in fact,  
11 [REDACTED] and WARE knew that none of the investors were employed by California D&P and  
12 did not earn any income from California D&P. [REDACTED] and WARE also created false account  
13 statements in investors' names to make it appear as if investors possessed assets in the form of  
14 significant balances with financial institutions when, in fact, [REDACTED] and WARE knew the  
15 investors did not possess such assets. In addition, in some instances, Chicago D&P obtained  
16 financing to purchase property based upon an appraisal of the property's value that was above the  
17 seller's asking price by including the value of improvements Chicago D&P represented it  
18 intended to perform to the property.

19 21. Upon receiving loan applications from the mortgage broker, and relying on the  
20 fraudulent documents and representations supplied by [REDACTED] and WARE, several mortgage  
21 lenders provided financing for Chicago D&P's purchase of real estate in investors' names,  
22 including the two pieces of real estate described as follows:

23 a. On or about November 17, 2003, [REDACTED] and WARE caused the property  
24 located at 460 Mountain Boulevard, Oakland, California, to be purchased in the name of Investor  
25 F. The purchase was funded by a loan in the amount of \$1,169,900 from National City  
26 Mortgage.

27 b. On or about April 9, 2004, [REDACTED] and WARE caused the property located  
28 at 6363 Christie Avenue, #2126, Emeryville, California, to be purchased in Investor G's name.

The purchase was funded by a loan in the amount of \$629,100 from Greenpoint Mortgage Funding, Inc.

**COUNTS EIGHT AND NINE: (18 U.S.C. §§ 1341 and 2 - Mail Fraud; Aiding and Abetting)**

22. Paragraphs 1 through 6, and 16 through 21, of this Indictment are realleged as if fully set forth herein.

23. On or about the dates set forth below, in the Northern District of California and elsewhere, for the purpose of executing the material scheme to defraud a mortgage broker and lenders and to obtain money by materially false and fraudulent pretenses, representations, promises, and omissions, the defendants,

and  
MICHAEL WARE,

did knowingly cause to be deposited the following items to be sent and delivered by the United States Postal Service, and private and commercial interstate carrier, and did aid and abet the same:

Count	Date	Description of Item	Recipient	Location
EIGHT	12/1/03	a \$4,980 check splitting mortgage broker's commission relating to the purchase of 460 Mountain Blvd.	Mortgage broker	Chicago D&P
NINE	4/15/04	a RESPA Settlement Statement, a check, and a Certified Copy of a Grant Deed relating to the purchase of 6363 Christie Avenue, #2126	Chicago Title Company	Chicago D&P

All in violation of Title 18, United States Code, Sections 1341 and 2.

**COUNTS TEN AND ELEVEN: (18 U.S.C. §§ 1343 and 2 - Wire Fraud; Aiding and Abetting)**

24. Paragraphs 1 through 6, and 16 through 21, of this Indictment are realleged as if fully set forth herein.

25. On or about the dates set forth below, in the Northern District of California and

INDICTMENT

elsewhere, for the purpose of executing the material scheme to defraud a mortgage broker and lenders and to obtain money by materially false and fraudulent pretenses, representations, promises, and omissions, the defendants,

and  
MICHAEL WARE,

did knowingly transmit and cause to be transmitted the following wire communications in interstate and foreign commerce, and did aid and abet the same:

Count	Date	Description of Transaction	From	To
TEN	11/21/03	wire transfer of \$241,000 to Oroshima (Chicago D&P affiliate) from Western Title at close of escrow on the purchase of 460 Mountain Blvd.	Nevada State Bank; Reno, NV	Bank of America; Richmond, CA
ELEVEN	4/15/04	wire of \$192,947.86 to pay off the seller's mortgage on 6363 Christie Avenue, #2126	Comerica Bank; San Jose, California	National City Bank; Cleveland, Ohio

All in violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT TWELVE:** (18 U.S.C. §§ 1957 and 2 - Engaging in Monetary Transactions in Criminally Derived Property; Aiding and Abetting)

26. Paragraphs 1 through 6, 16 through 21, and 25, of this Indictment are realleged as if fully set forth herein.

27. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendants,

and  
MICHAEL WARE,

did knowingly engage in monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000, and that was derived from specified unlawful activity, namely, wire fraud, as alleged in Count Ten, above, a violation of Title 18, United States Code, Section 1343, and did aid and abet the same, as follows:

Account	Transaction Date	Description of Transaction
TWELVE	11/21/03	\$236,000 wire from Oroshima's Bank of America account #XXXXXX-15344 to Chicago D&P's Bank of America account #XXXXXX-13935

All in violation of Title 18, United States Code, Sections 1957 and 2.

Dated: 11-20-08

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
BRIAN J. STRETCH  
Chief, Criminal Division

(Approved as to form:   
AUSAs BROWN & FINGNAN

CLOSED

**U.S. District Court  
Southern District of California (San Diego)  
CRIMINAL DOCKET FOR CASE #: 3:09-mj-00037-LSP-1  
Internal Use Only**

Case title: USA v. Ware

Date Filed: 01/08/2009

Date Terminated: 01/08/2009

Assigned to: Magistrate Judge Leo S.  
Papas

CR 09

0059

**Defendant (1)****Michael Ware**

TERMINATED: 01/08/2009

I hereby attest and certify on 1/13/09  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

represented by **Erica K. Zunkel**

Federal Defenders of San Diego, Inc.

225 Broadway

Suite 900

San Diego, CA 92101

(619) 234-8467

Fax: (619) 687-2666

Email: erica\_zunkel@fd.org

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Designation: Public Defender or

Community Defender Appointment

MMC

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints****Disposition**

18:1341; 18:1343; 18:1957 and 18:2 -

Mail fraud; Wire Fraud; Engaging in  
Monetary Transaction in Criminally  
Derived Property; and Aiding and  
Abetting

**Plaintiff**

**USA**

represented by **U S Attorney CR**

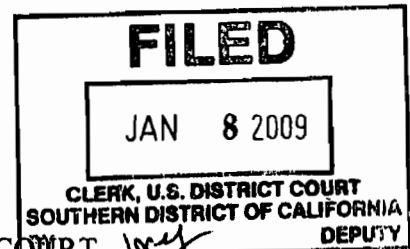
U S Attorneys Office Southern District  
of California  
880 Front Street  
Room 6293  
San Diego , CA 92101  
(619)557-5610  
Fax: (619)557-5917  
Email: Efile.dkt.gc2@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant United States  
Attorney*

**Yesmin E Saide**

U S Attorneys Office Southern District  
of California  
880 Front Street  
Room 6293  
San Diego , CA 92101  
(619)557-5610  
Fax: (619)557-7055  
Email: Yesmin.Saide@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/08/2009	1	OUT OF DISTRICT COMPLAINT as to Michael Ware (1). (rmm) (rmm). (Entered: 01/09/2009)
01/08/2009		Surrender of Michael Ware. (rmm) (Entered: 01/12/2009)
01/08/2009	2	Minute Entry for proceedings held before Magistrate Judge Leo S. Papas:Initial Appearance as to Michael Ware held on 1/8/2009. Government oral motion to unseal underlying indictment as to this defendant only and to recall the bench warrant as to Michael Ware- GRANTED. Defendant admits identity and waiver removal/ID hearing. Eligibility of appointed counsel deferred to Northern District of California. Parties stipulate to bond set. Bond set as to Michael Ware (1) \$500,000 P/S; Bond paperwork to be filed by close of business on 1/8/09. Waiver of removal hearing filed and order of removal filed. Defendant is Ordered to appear in the Northern District of

		California on February 4, 2009. (Tape #LSP09-13:45-13:55).(Plaintiff Attorney Yesmin Saide, AUSA).(Defendant Attorney Sarah Gorman, FD). (rmm) (Entered: 01/12/2009)
01/08/2009	3	ORAL MOTION to Unseal Case by USA as to Michael Ware. (rmm) (Entered: 01/12/2009)
01/08/2009	4	ORDER granting 3 ORAL Motion to Unseal Case as to Michael Ware (1). (rmm) (Entered: 01/12/2009)
01/08/2009	5	ORDER Setting Conditions of Pretrial Release. Bond set for Michael Ware (1) \$100,000 P/S. Travel restricted to Southern District except for court appearances and meetings with counsel. Signed by Magistrate Judge Leo S. Papas on 01/08/09. (cge) (Entered: 01/12/2009)
01/08/2009	8	ABSTRACT OF ORDER releasing Michael Ware. Signed by Magistrate Judge Leo S. Papas on 01/08/09. (cge) (Entered: 01/12/2009)
01/08/2009	11	WAIVER of Rule 5(c) and 5.1(a) Hearing by Michael Ware (ecl) (Entered: 01/13/2009)
01/08/2009	12	ORDER OF REMOVAL as to Michael Ware to the Northern District of California. Signed by Magistrate Judge Leo S. Papas on 01/08/09. (joeh) (Entered: 01/13/2009)
01/08/2009	13	Case removed to District of *California Northern District Court**450 Golden Gate Avenue**San Francisco, CA 94102-3434* as to Michael Ware. as to *Michael Ware*. Sent certified copy of transfer order*, Certified Docket Sheet, Out of District Complaint (copy), Minute Order Appointing Counsel (copy), Waiver of Removal (copy)*. (joeh) (Entered: 01/13/2009)
01/09/2009	6	Corrected ORDER Setting Conditions of Pretrial Release. Bond set for Michael Ware (1) \$500,000 P/S. Travel restricted to Southern District of California except for court appearances and meeting with counsel for which defendant may travel to the Northern District of California. Signed by Magistrate Judge Leo S. Papas on 01/09/09. (cge) (Entered: 01/12/2009)
01/09/2009	7	P/S Bond Entered as to Michael Ware in amount of \$ 500,000. Signed by Magistrate Judge Leo S. Papas on 01/09/09. (cge) (Entered: 01/12/2009)
01/12/2009	9	NOTICE OF ATTORNEY APPEARANCE: Erica K. Zunkel appearing for Michael Ware (Zunkel, Erica) (cge) (Entered: 01/12/2009)
01/13/2009	10	NOTICE OF ATTORNEY APPEARANCE Yesmin E Saide appearing for USA. (Saide, Yesmin) (Entered: 01/13/2009)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL WARE,

Defendant.

Magistrate Case No. 09MJ0037

**ORDER OF REMOVAL  
(Defendant Not in Custody)**

MMC

An indictment having been filed in the Northern District of California, charging defendant MICHAEL WARE with mail fraud, wire fraud, engaging in monetary transactions in criminally derived property and aiding and abetting, in violation of Title 18, United States Code, Sections 1341, 1343, 1957, and 2. Defendant self surrendered on January 8, 2009, in the Southern District of California, pursuant to the out of district arrest warrant related to said indictment. Defendant MICHAEL WARE then posted a criminal bond and waived an identity hearing pursuant to Rule 5(c) of the Federal Rules of Criminal Procedure. Therefore,

IT IS HEREBY ORDERED that defendant MICHAEL WARE, appear in the Northern District of California before Magistrate Judge Maria-Elena James, in the San Francisco Federal Building, 450 Golden Gate Avenue, 15<sup>th</sup> Floor, Courtroom B, San Francisco, California 94102, on Wednesday, February 4, 2009 at 9:30 a.m., and then appear before District Court Judge Charles R. Breyer, 19<sup>th</sup> Floor, Courtroom 8, at 2:15 p.m. for further proceedings.

Dated: 1/8/09

I hereby attest and certify on 1/13/09  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By Deputy

LEO S. RAPAS  
United States Magistrate Judge  
Southern District of California



Minutes of the United States District Court  
Southern District of California  
JANUARY 8, 2009

HON. LEO S. PAPAS

DEPUTY CLERK: J. YAHL

TAPE NO. LSP09-13:45-13:55

09MJ0037-LSP

USA

vs.

MICHAEL WARE (1) (R) (SE)

AUSA: YESMIN SAIDE

INITIAL APP ON OUT  
OF DISTRICT COMPLAINT

SARAH GORMAN, S/A OF FEDERAL DEFENDERS

SURR: 1/8/09

F/A: 1/8/09

DEFENDANT'S FIRST APPEARANCE; DEFENDANT INFORMED OF CHARGES.

GOVERNMENT ORAL MOTION TO UNSEAL UNDERLYING INDICTMENT AS TO THIS DEFENDANT ONLY AND  
TO RECALL THE BENCH WARRANT AS TO MICHAEL WARE - GRANTED.

DFT ADMITS IDENTITY; DFT WAIVES REMOVAL/ID HRG

ELIGIBILITY OF APPOINTED COUNSEL DEFERRED TO NORTHERN DISTRICT OF CALIFORNIA

PARTIES STIPULATE TO BOND SET BOND AT \$500,000 P/S; BOND PAPERWORK TO BE FILED BY CLOSE OF  
BUSINESS ON 1/8/09

WAIVER OF REMOVAL HRG FILED AND ORDER OF REMOVAL FILED

DEFENDANT IS ORDERED TO APPEAR IN THE NORTHERN DISTRICT OF CALIFORNIA ON FEBRUARY 4, 2009

I hereby attest and certify on 1/13/09  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

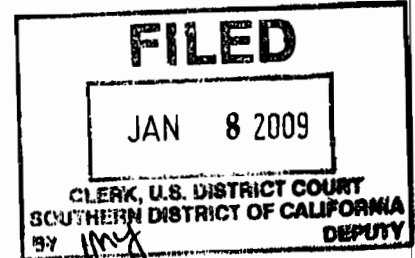
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

Waiver of Rule 5(c) and 5.1(a) Hearings

E-filing

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA

v.

MICHAEL WARE

Magistrate Case  
No. 09MJ0037

WAIVER OF RULE 5(c) and 5.1(a) HEARINGS  
(Excluding Probation/Supervised Release Violation)

CR 09

0059

MMC

I, MICHAEL WARE, understand that in the Central District of California, charges are pending alleging violation of Title 18, United States Code, Sections 1341, 1343, 1957 and 2, and that I have been arrested in the Southern District of California and taken before a United States Magistrate Judge, who informed me of the charge and of my right to:

1. Retain counsel or request the appointment of counsel if I am unable to retain counsel;
2. Request transfer of the proceedings to this district pursuant to Rule 20, Fed.R.Crim.P., in order to plead guilty if the United States Attorneys in both districts approve the transfer in writing;
3. A preliminary hearing if required by Federal Rules of Criminal Procedure 5.1 or 58(b)(2)(G) (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution; and
4. An identity hearing to determine if I am the same person named in the charging document.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☐ identity hearing
- ☐ preliminary hearing
- ☐ identity hearing and have been informed I have no right to a preliminary hearing
- ☒ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

I hereby attest and certify on 1/8/09  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

[Signature] 1/8/09  
MICHAEL WARE  
Defendant

[Signature] 1/8/09  
Defense Counsel

Date